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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,242	08/01/2001	Andrew Hodgkinson	BAI825390/01485	4038
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EXAMINER				
STORK, KYLE R				
ART UNIT		PAPER NUMBER		
2178				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/920,242

Applicant(s)

HODGKINSON, ANDREW

Examiner

KYLE R. STORK

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5, 7, 8 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5, 7, 8 and 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C2)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This final office action is in response to the amendment filed 12 August 2008.
2. Claims 5, 7-8, and 16-18 are pending. Claims 16-18 are independent claims. Claim 18 is newly added.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 16-17 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Cordell et al. (US 5845084, patented 1 December 1998, hereafter Cordell), and further in view of Snyder (US 6643641, filed 27 April 2000).

As per dependent claim 5, Cordell discloses the limitations similar to those in claim 17, and the same rejection is incorporated herein. Cordell fails to specifically disclose wherein when an event occurs in the reception of data that would conventionally cause an immediate reformat of the web page the facility notes the highest y-coordinate point or level in the displayed page that would be affected by the reformat and commences the time interval. However, Cordell 084 mentions a similar process (Cordell Col 13 Lines 1-58). It would have been obvious to one of ordinary skill in the art to apply Cordell 084 to Cordell, providing Cordell the benefit of determining the highest level of the displayed page affected to ensure the correct format of the page.

As per independent claim 16, Cordell discloses an internet web browsing method, the method comprising the steps of:

Identifying an obtaining data from a web page in response to a user instruction (Figure 2, item 36)

Processing the received data to generate and display the web page connected thereto (Figure 4A, item 70)

Following selection of the webpage and the data is being received by a browser, the reformatting data for display of the selected web page by the browser is prevented until one or more of the following conditions are satisfied:

A predetermined time has elapsed since the previous reformat of that web page

A predetermined amount of data is received since the previous reformat of the web page, the predetermined amount being specified prior to the step of obtaining data for that web page

A data retrieval is aborted by the user (column 3, lines 21-35: Here, a user can stop the retrieval of inline images that are to be displayed in "normal mode" by selecting to display placeholders)

Displaying the reformatted data

Although Cordell discloses preventing the display of reformatted data, Cordell fails to disclose storing data for display prior to displaying any of the data until a predetermined event occurs. However, Snyder discloses storing data in a buffer, thereby preventing the data from being displayed until an event occurs, which triggers

display of the data stored within the buffer (column 9, line 48- column 10, line 17). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Snyder with Cordell, since it would have allowed a user to receive the prefetched webpage data, thereby allowing for more rapid display of web page data.

As per independent claim 17, Cordell discloses an internet web browsing method, the method comprising the steps of:

Identifying an obtaining data from a web page in response to a user instruction (Figure 2, item 36)

Processing the received data by a browser to generate and display the web page on a display screen connected thereto (column 1, line 66- column 2, line 17; Figure 4A, item 70: Here, a browser waits until all data is retrieved to generate and display the web page)

Displaying at least part of the web page corresponding to a first portion of data (Figure 5A)

Preventing the browser from reformatting the display of the web page while the browser receives data (Figure 4A, items 72-76; column 1, line 66- column 2, line 17)

Reformatting of the display of the selected web page by the browser after the web page is selected and while the data is being received by the browser only if a predetermined time has elapsed since a previous format of the web page or

after a predetermined event has occurred, to reduce the number of reformat
required in displaying the web page data is received (Figure 4A, items 72-76)

Although Cordell discloses preventing the display of reformatted data, Cordell fails to disclose storing data for display prior to displaying any of the data until a predetermined event occurs. However, Snyder discloses storing data in a buffer, thereby preventing the data from being displayed until an event occurs, which triggers display of the data stored within the buffer (column 9, line 48- column 10, line 17). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Snyder with Cordell, since it would have allowed a user to receive the prefetched webpage data, thereby allowing for more rapid display of web page data.

5. Claims 7 and 8 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Cordell and Snyder, and further in view of Lowery et al. (US 5894554, patented 13 April 1999, hereafter Lowery).

As per dependent claim 7, Cordell disclose the limitations similar to those in claim 17, and the same rejection is incorporated herein. Cordell fails to specifically disclose reformatting of the page display can occur during the time interval if all or a predefined proportion of data for the page is received during the time interval. However, Lowery discloses reformatting of the page display can occur during the time interval if all or a predefined proportion of data for the page is received during the time interval (column 8, lines 26-51). It would have been obvious to one of ordinary skill in the art at

the time of the applicant's invention to have combined Lowery with Cordell, since it would have allowed a user to more quickly receive a requested webpage (Lowery: column 6, line 56- column 7, line 8).

As per dependent claim 8, Cordell and Lowery disclose the limitations similar to those in claim 17, and the same rejection is incorporated herein. Cordell fails to specifically disclose wherein sufficient data is deemed to have been received when data which would allow changes to the web page to be achieved up to the previously noted highest y-coordinate point or level has been received. However, Cordell 084 mentions a similar process (column 13, lines 1-58). It would have been obvious to one of ordinary skill in the art to apply Cordell 084 to Cordell, providing Cordell the benefit of determining the highest level of the displayed page affected to ensure the correct format of the page.

As per independent claim 18, Cordell discloses an internet browsing method, said method comprising the steps of:

identifying and receiving data for a web page in response to instructions from a user (Figure 2, item 36)

processing said received data by a browser to generate a web page (column 1, line 66- column 2, line 17; Figure 4A, item 70: Here, a browser waits until all data is retrieved to generate and display the web page)

displaying at least a part of the web page corresponding to a first portion of the data (Figure 4A, items 72-76)

displaying the reformatted web page (Figure 4A, items 72-76)

determining and noting a highest y-coordinate point or level in the displayed portion of the web page (Cordell Col 13 Lines 1-58).

Cordell fails to specifically disclose:

storing any further data received during a time interval of the time and prevention the browser from reformatting the web page while the browser receives said further data reformatting the selected web page from the top of said highest y-coordinate point only after a predetermined amount of data has been received by the browser or after the predetermined time interval has elapsed since a previous reformat of that web page to reduce the number of reformats required in displaying the web page as data is received

However, Lowery discloses:

storing any further data received during a time interval of the time and prevention the browser from reformatting the web page while the browser receives said further data reformatting the selected web page from the top of said highest y-coordinate point only after a predetermined amount of data has been received by the browser or after the predetermined time interval has elapsed since a previous reformat of that web page to reduce the number of reformats required in displaying the web page as data is received (column 8, lines 26-51).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Lowery with Cordell, since it would have allowed a user to more quickly receive a requested webpage (Lowery: column 6, line 56- column 7, line 8).

Although Cordell discloses preventing the display of reformatted data, Cordell fails to disclose storing data for display prior to displaying any of the data until a predetermined event occurs. However, Snyder discloses storing data in a buffer, thereby preventing the data from being displayed until an event occurs, which triggers display of the data stored within the buffer (column 9, line 48- column 10, line 17). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Snyder with Cordell, since it would have allowed a user to receive the prefetched webpage data, thereby allowing for more rapid display of web page data.

Response to Arguments

6. The applicant's initial argument is based upon the belief that the prior art fails to teach stoppage of data retrieval during retrieval (page 6). The examiner respectfully disagrees. Cordell discloses the retrieval of data (Figure 4A, item 70). As this data is being retrieved, and prior to the display of the data, a plurality of conditions are evaluated, such as the data transfer rate (Figure 4A, item 78). Based upon the evaluation, the retrieval of images may be aborted, and a placeholder inserted into the page instead of an image (Figure 4A, items 82 and 84). Therefore, this argument is not persuasive.

The applicant's second argument is based upon the belief that Snyder is relied upon for disclosing that selections of a web page and its associated data are received by a browser, and the reformatting data for display of the selected web page is

prevented until one or more conditions are satisfied (page 7). However, it must first be noted that Snyder is only relied upon for disclosing storing data in a buffer, thereby preventing the data from being displayed until an event occurs, which triggers display of the data stored within the buffer (column 9, line 48- column 10, line 17). Whether this data is retrieved by a browser is inconsequential, as Snyder is not relied upon for such a teaching. Further, the display of the web page is prevented until the entirety of the data is stored within the buffer (column 9, line 48- column 10, line 17). Further, the event that triggers the display of the data, is the completion of the reception of the data. Therefore, Snyder discloses retrieving data into a buffer, storing the data in the buffer until the entire requested data item is received, then displaying the data. This fulfills the applicant's claim language of preventing the data from being displayed until an event occurs, which triggers the display of the data. Therefore, this argument is not persuasive.

The applicant further argues that the prior art fails to disclose at least a part of the web page is displayed when sufficient data has been received, but reformatting of that web page is prevented until a predetermined amount of data has been received to reduce the number of reformats required (pages 8-9). The examiner respectfully disagrees. Cordell discloses displaying at least a part of a web page once a sufficient data has been received (Figure 5A; column 8, lines 19-20). However, once a reference to an embedded image is received, the display of the data is paused. The display of the data will resume when either the image is retrieved or it is determined that a placeholder

should be inserted (Figures 5B-5C; column 8, lines 21-54). Therefore, this argument is not persuasive.

The applicant further argues that the prior art fails to disclose determining the highest y-coordinate point or level in displaying a page and utilizing that point or level. However, the examiner respectfully disagrees. Cordell disclose determining the level of data to be received (column 8, lines 17-27). Here, it is determined if the received data is contained within the document, such as text data, or if it is on a second level of data contained externally, such embedded images (column 8, Lines 17-27). Based upon data being on a second level, the connection speed is determined in order to ascertain the delay, or time required to download the image (Figure 4A). Based upon this data, the second level data may be replaced with a placeholder, instead of waiting for the second level data to be obtained.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYLE R. STORK whose telephone number is (571)272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner
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krs